

Assembly Bill No. 1428

Passed the Assembly August 11, 1998

Chief Clerk of the Assembly

Passed the Senate August 10, 1998

Secretary of the Senate

This bill was received by the Governor this ____ day
of _____, 1998, at ____ o'clock __M.

Private Secretary of the Governor

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CHAPTER ____

An act to amend and repeal Section 8481 of, and to add Article 22.5 (commencing with Section 8482) to Chapter 2 of Part 6 of, the Education Code, relating to after school programs, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1428, Ortiz. After School Learning and Safe Neighborhoods Partnerships Program.

(1) Existing law, the Child Care and Development Services Act, authorizes the governing board of any school district to establish a program of supervision for children before and after school for pupils in any grade level, up to and including junior high school. The Child Care and Development Services Act also provides for the establishment of extended day care programs for children in kindergarten and grades 1 to 9, inclusive.

The bill would establish the After School Learning and Safe Neighborhoods Partnerships Program to create incentives for establishing after school enrichment programs for pupils in kindergarten and grades 1 to 9, inclusive, at participating schoolsites. The bill would authorize a local education agency or a city, county, or nonprofit organization in partnership with a local education agency or agencies to apply to establish a program, and would require the State Department of Education to select participants from among the applicants. The bill would exempt the After School Learning and Safe Neighborhoods Partnerships Program from the other requirements of the Child Care and Development Services Act and related regulations. The bill would state the intent of the Legislature that a minimum of \$50,000,000 be appropriated for the program in the annual Budget Act, and would require program participants to ensure that no less than 85% of state



funding received is allocated to schoolsites for direct services to pupils.

(2) Existing law provides for the establishment of a school-based schoolage before and after school program and requires priority for enrollment in the program to be given in a specified manner.

This bill would make the school-based schoolage before and after school program inoperative as of July 1, 1999. The bill would require any program operating under the school-based schoolage before and after school program, as of July 1, 1999, to elect to continue in operation under the remaining provisions governing schoolage community child care services or to operate under the After School Learning and Safe Neighborhoods Partnerships Program. The bill would delete the requirement that priority for enrollment in the program be given in the manner specified.

(3) The bill would require local assistance funding that is appropriated in the Budget Act of 1998 for programs established pursuant to the After School Learning and Safe Neighborhoods Partnerships Program to be available for transfer to and in augmentation of a budget item that provides funding to school districts, county offices of education, and other agencies for purposes of Proposition 98 educational programs relating to child development, thereby making an appropriation. The bill would also require that up to \$550,000 of this funding be allocated to local educational agencies for technical assistance and training.

(4) The bill would appropriate the amount of \$500,000 from the General Fund to the State Department of Education for state operations for the implementation of After School Learning and Safe Neighborhoods Partnerships Program. The bill would provide that this funding shall not be available for expenditure until the Department of Finance has first approved an expenditure and implementation plan.

(5) This bill would become operative only if both AB 2284 and SB 1756 of the 1997–98 Regular Session are chaptered.



(6) This bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 8481 of the Education Code is amended to read:

8481. (a) Subject to appropriation in the annual Budget Act, for the purpose of the program in this article, the Superintendent of Public Instruction may allocate funds for the establishment of school-based schoolage before and after school programs that include homework and tutoring assistance, improve literacy skills, and provide recreational activities, as well as facilitate the transition from welfare to work by providing child care for schoolage children and potential employment for welfare recipients who are parents of children enrolled in schoolage child care programs.

(b) A before and after school program, whether public, private, or school district operated, in collaboration with other local governmental agencies, may apply to the State Department of Education for funding under this article. A before and after school program that receives funding pursuant to this article may participate in any other grant programs that fund literacy and technology activities.

(c) In order to achieve the goals of assisting children in learning, providing parents with employment and parenting skills, providing a safe environment for children, and helping prevent crime in neighborhoods, a program funded under this article shall be a collaborative effort with a school district, and may also include collaboration with any combination of the following: other school districts, community college districts, counties, cities, community-based organizations, not-for-profit organizations, the local agency that provides the Even Start Family and Head Start literacy programs or their equivalent programs, and the private sector.



(d) In selecting programs for funding under this article, the department shall use the standards set forth in Section 8463 and all of the following criteria:

(1) Programs shall have demonstrated experience in implementing quality before or after school child development programs.

(2) Programs shall demonstrate the inclusion of a strong literacy component.

(3) Programs shall demonstrate a working collaboration with entities listed in subdivision (c), including Even Start Family and Head Start literacy program providers, to the extent that these programs exist in the service area.

(e) Notwithstanding Section 8468, in allocating funds pursuant to this article, preference shall be given to programs that currently employ recipients of aid under Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code, or any successor program, who are parents of children enrolled in the applicant programs or that have a demonstrated commitment to providing employment opportunities for those recipients of aid, or both.

(f) Funding received by a before and after school program pursuant to this article may be renewed and is contingent upon the following:

(1) Compliance with the requirement of subdivision (c), the criteria set forth in subdivision (d), and the priorities set forth in subdivision (e).

(2) A favorable evaluation completed by the State Department of Education pursuant to Section 8498.8 or an evaluation that meets the standards of the department. Outcomes shall include academic achievement determined by measurements such as test scores, grades, school attendance, and number of disciplinary actions.

(3) Programs shall demonstrate that they are receiving locally generated resources from other than federal and state sources, which may include in-kind contributions.

(g) (1) A program established under this section may employ parents of schoolage children who are participating in the program established pursuant to Article 3.2 (commencing with Section 11320) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code, or any successor program, and may employ those parents in the schools attended by their own children. Parents employed pursuant to this subdivision may also participate in training programs at least six hours per week, in order to help them understand child development, learn parenting skills, and obtain skills for employment in either an educational or child care setting. Employment in the program may fulfill a participant's employment requirements under Article 3.2 (commencing with Section 11320) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code.

(2) A program shall also be encouraged to hire older siblings of children in the program whose families receive aid under Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code, or any successor program, to work in either the program's literacy or recreation components. It is the intent of this subdivision that hiring teenagers from families that receive aid under this Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code, or any successor program, will provide an additional source of income for these families.

(3) All program participants shall be assessed before they work with children to determine their skills and literacy development and a criminal background check on each participant shall be completed before that participant begins to work with children. Participants shall be supervised by qualified staff.

(4) (A) Notwithstanding any other provision of law, but subject to subparagraph (B), programs operating under this article that use recipients of aid under Article 3.2 (commencing with Section 11320) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code, or any successor program, may count those recipients as staff



members for purposes of determining compliance with staffing ratio requirements.

(B) Teenage siblings used by programs operating under this article may not be included in computing compliance with staffing ratio requirements.

(5) Notwithstanding any other provision of law, programs operating under this section may extend their hours of operation beyond 20 hours per week.

(h) A program established pursuant to this section shall assist the children of recipients of aid under Article 3.2 (commencing with Section 11320) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code, or any successor program, and other children to complete homework, improve literacy skills, that shall include, but not be limited to, reading, writing, mathematics, and computer skills, and participate in recreational activities.

(i) Programs funded under this section shall provide training on how to work with children on reading, writing, listening, and speaking. This training shall be provided in collaboration with an Even Start Family or Head Start literacy program, or their equivalent programs.

(j) (1) Notwithstanding any other provision of law, commencing with the 1997–98 fiscal year, schoolsites shall be eligible for the funding of programs established pursuant to this section where a minimum of 70 percent of the children are eligible for free or reduced-cost meals through the school lunch program of the United States Department of Agriculture. Presumptive eligibility for a program established pursuant to this section shall apply to individual families of pupils attending an eligible schoolsite.

(2) Notwithstanding any other provision of law, parent fees may not be assessed to parents or guardians whose children attend a program established pursuant to this section.

(k) Programs funded under this section shall be encouraged to take advantage of free snack programs administered by the United States Department of Agriculture.

(l) It is the intent of this article, by providing a safe, supervised after school environment for children, including those teens employed by a program, to reduce criminal activity among juveniles, and to strengthen parent-child relationships and communities by involving parents in their children's schoolwork and schools.

(m) Notwithstanding Section 8360.1 or any other provision of law, college courses in recreation, art, mathematics, and physical and social development that would enhance the education of schoolage children may be considered to meet course requirements in child development.

(n) This section shall become inoperative on July 1, 1999, and, as of January 1, 2000, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2000, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 2. Article 22.5 (commencing with Section 8482) is added to Chapter 2 of Part 6 of the Education Code, to read:

Article 22.5. After School Learning and Safe
Neighborhoods Partnerships Program

8482. There is hereby established the After School Learning and Safe Neighborhoods Partnerships Program. The purpose of this program is to create incentives for establishing locally driven after school enrichment programs that partner schools and communities to provide academic and literacy support and safe, constructive alternatives for youth.

8482.3. (a) The After School Learning and Safe Neighborhoods Partnerships Program shall be established to serve pupils in kindergarten and grades 1 to 9, inclusive, at participating elementary, middle, and junior high schoolsites.

(b) A program may operate on one or multiple schoolsites. If a program operates at multiple schoolsites, only one application shall be required for its establishment.



(c) An after school program established pursuant to this article shall consist of the following two components:

(1) An educational and literacy component whereby tutoring or homework assistance is provided in one or more of the following areas: language arts, mathematics, history and social science, or science.

(2) A component whereby educational enrichment, which may include, but need not be limited to, recreation and prevention activities, is provided.

(d) Applicants for programs established pursuant to this article may include any of the following:

(1) A local education agency.

(2) A city, county, or nonprofit organization in partnership with, and with the approval of, a local education agency or agencies.

(e) Applicants for grants pursuant to this article shall ensure that each of the following requirements is fulfilled, if applicable:

(1) The application documents the commitments of each partner to operate a program on that schoolsite or schoolsites.

(2) The application has been approved by the school district and the principal of each schoolsite.

(3) Each partner in the application agrees to share responsibility for the quality of the program.

(4) The application designates the public agency or local education agency partner to act as the fiscal agent. For purposes of this section, “public agency” means only a county board of supervisors or, where the city is incorporated or has a charter, a city council.

(5) Applicants agree to follow all fiscal reporting and auditing standards required by the State Department of Education.

8482.5. (a) Priority for funding programs established pursuant to this article shall be given to schools where a minimum of 70 percent of the pupils in elementary schools and 50 percent of the pupils in middle and junior high schools are eligible for free or reduced-cost meals through the school lunch program of the United States Department of Agriculture.



(b) Every program established pursuant to this article shall be planned through a collaborative process that includes parents, youth, and representatives of participating schoolsites, governmental agencies, such as city and county parks and recreation departments, community organizations, and the private sector.

8482.6. Every pupil attending a school operating an after school program pursuant to this article is eligible to participate in the program, subject to program capacity. An after school program established pursuant to this article is not required to charge family fees or conduct individual eligibility determination based on need or income.

8483. (a) (1) Every after school program established pursuant to this article shall operate a minimum of three hours a day and at least until 6:00 p.m. on every regular schoolday. Every program shall establish a policy regarding reasonable early daily release of pupils from the program.

(2) It is the intent of the Legislature that pupils participate in the full day of the program every day during which pupils participate, except when released early in accordance with the early release policy described in paragraph (1) or as reasonably necessary.

(b) The administrators of a program established pursuant to this article shall have the option of operating during any combination of summer, intersession, or vacation periods for a minimum of three hours per day at the approved rate for the regular school year pursuant to Section 8483.7.

8483.3. (a) The State Department of Education shall select applicants to participate in the program established pursuant to this article from among applicants that apply on forms and in a manner prescribed by the department. To the extent possible, the selection of applicants by the State Department of Education shall result in an equitable distribution of grant awards pursuant to Section 8483.7 to applicants in northern, southern, and central California, and in urban, suburban, and rural areas of California.



(b) The State Department of Education shall consider the following in selecting schools to participate in the program established pursuant to this article, with primary emphasis given to items (1) through (4):

- (1) Strength of the educational component.
- (2) Quality of the educational enrichment component.
- (3) Strength of staff training and development component.
- (4) Scope and strength of collaboration, including demonstrated support of the schoolsite principal and staff.
- (5) Inclusion of a nutritional snack.
- (6) Employment of CalWORKs recipients.
- (7) Level and type of local matching funds.
- (8) Capacity to respond to program evaluation requirements.
- (9) Demonstrated fiscal accountability.

(c) The State Department of Education shall develop reporting requirements and allocation procedures, including procedures to reimburse startup costs for programs established pursuant to this article.

8483.4. The administrator of every program established pursuant to this article shall establish minimum qualifications for each staff position that, at a minimum, ensure that all staff members who directly supervise pupils meet the minimum qualifications for an instructional aide, pursuant to the policies of the school district. Selection of the after school program site supervisors shall be subject to the approval of the schoolsite principal. The administrator shall also ensure that the program maintains a pupil-to-staff member ratio of no more than 20 to 1. All program staff and volunteers shall be subject to the health screening and fingerprint clearance requirements in current law and district policy for school personnel and volunteers in the school district.

8483.7. (a) It is the intent of the Legislature that a minimum of fifty million dollars (\$50,000,000) be appropriated for the program established pursuant to this article, through the annual Budget Act. Of the funds

appropriated for the program, 50 percent shall be reserved for programs that operate at elementary schools and 50 percent shall be reserved for programs that operate at middle and junior high schools. If there are not a sufficient number of qualified applicants to use all of the funding in one category, the remaining funds may be used for qualified applicants in the other category.

(b) (1) Every school that establishes a program pursuant to this article is eligible to receive a three-year renewable incentive grant, subject to annual reporting and recertification as required by the State Department of Education, for up to five dollars (\$5) per day per pupil, with a maximum total grant amount of seventy-five thousand dollars (\$75,000) for each regular school year for each elementary school and one hundred thousand dollars (\$100,000) for each regular school year for each middle or junior high school.

(2) For large schools, the maximum total grant amounts described in paragraph (1) may be increased based on the following formulas, up to a maximum amount of twice the respective limits specified in paragraph (1):

(A) For elementary schools, multiply seventy-five dollars (\$75) by the number of pupils enrolled at the schoolsite for the normal schoolday program that exceeds 600.

(B) For middle schools, multiply seventy-five dollars (\$75) by the number of pupils enrolled at the schoolsite for the normal schoolday program that exceeds 900.

(3) A school that establishes a program pursuant to this article is eligible to receive a supplemental grant to operate the program during any combination of summer, intersession, or vacation periods for a maximum of the lesser of the following amounts:

(A) Five dollars (\$5) per day per pupil.

(B) Thirty percent of the total grant amount awarded to the school per school year pursuant to this subdivision.

(4) Each program shall provide at least 50 percent cash or in-kind local matching funds from the school district, governmental agencies, community

organizations, or the private sector for each dollar received in grant funds. Neither facilities nor space usage may fulfill the match requirement.

(c) The administrator of a program established pursuant to this article may supplement, but not supplant existing funding for after school programs with grant funds awarded pursuant to this article. State categorical funds for remedial education activities shall not be eligible as matching funds for those after school programs.

(d) Up to 15 percent of the initial year's grant amount for each grant recipient may be utilized for startup costs. Under no circumstance shall funding for startup costs result in an increase in the grant recipient's total funding above the approved grant amount.

8483.8. In any fiscal year, if a program participant receives state funds to operate an after school program pursuant to this article that are in an amount in excess of the amount warranted, due to the program serving fewer pupils than planned, to raising an inadequate amount of matching funds, or for any other reason, the State Department of Education shall reduce any subsequent allocations by an amount equal to that overpayment. If the program participant discontinues participation in the program and no allocations are made after the determination that an overpayment has been made, the State Department of Education shall take the following action:

(a) In the case of local education agencies, the State Department of Education shall bill the agencies for the amount of the overpayment. If payment is not received within three months of the billing invoice date, an amount equal to the amount of the overpayment shall be withheld from the next principal apportionment to the agency.

(b) In the case of entities other than local education agencies, the State Department of Education shall bill the entities for the amount of the overpayment, and pursue appropriate legal remedies if not paid.

8483.9. (a) A program participant receiving funding pursuant to this article may expend on indirect costs no more than the lesser of the following:

(1) The school district's indirect cost rate, as approved by the State Department of Education for the appropriate fiscal year.

(2) Five percent of the state program funding received pursuant to this article.

(b) A program participant receiving state funding pursuant to this article may expend no more than 15 percent of that funding on administrative costs. For purposes of this section, administrative costs shall include indirect costs, as described in subdivision (a).

(c) A program participant receiving state funding pursuant to this program shall ensure that no less than 85 percent of that funding is allocated to schoolsites for direct services to pupils.

8484. As required by the State Department of Education, after school programs established pursuant to this article shall submit annual outcome based data for evaluation, including measures for academic performance, attendance, and positive behavioral changes. The State Department of Education may consider these outcomes when determining eligibility for grant renewal.

8484.3. (a) Programs established pursuant to this article shall not be required to comply with the requirements of other provisions of this chapter or requirements set forth in Chapter 19 of Division 1 of Title 5 of the California Code of Regulations.

(b) Notwithstanding any other provision of law or regulation, a program operated by a city, county, or nonprofit organization pursuant to this article may operate for up to 20 hours per week without obtaining a license or special permit under Chapter 3.4 (commencing with Section 1596.70) or Chapter 3.5 (commencing with Section 1596.90) of Division 2 of the Health and Safety Code.

8484.5. (a) All school-based before and after school programs established pursuant to Section 8481 that are in



operation on the date of the enactment of the act adding this section shall elect one of the following options on or before July 1, 1999:

(1) Continuing operation as a schoolage community child care services program pursuant to the remaining operative provisions of Article 22 (commencing with Section 8460).

(2) Operating as an After School Learning and Safe Neighborhoods Partnerships Program pursuant to this article.

(b) It is the intent of the Legislature that any appropriation for programs established pursuant to Section 8481 be redirected to the appropriation made for programs established pursuant to Article 22 (commencing with Section 8460) or to the appropriation made for programs established pursuant to this article. The State Department of Education shall report the amounts that shall be redirected pursuant to this subdivision to the Department of Finance for approval and adjustment of the budget. The Controller shall adjust the appropriation amounts in accordance with budget revisions approved for this purpose by the Department of Finance.

SEC. 3. (a) If local assistance funding for programs established pursuant to Article 22.5 (commencing with Section 8482) of Chapter 2 of Part 6 of the Education Code is appropriated in the Budget Act of 1998, those funds shall be available for transfer to and in augmentation of Item 6110-196-0001, upon approval by the Department of Finance.

(b) Up to five hundred fifty thousand dollars (\$550,000) of the local assistance funding shall be allocated to local educational agencies to provide for technical assistance and training.

(c) For the purposes of making the computations required by Section 8 of Article XVI of the California Constitution, any appropriation made by this section shall be deemed to be "General Fund revenues appropriated to school districts," as defined in subdivision (c) of Section 41202, for the 1998–99 fiscal year, and included within the

“total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B” as defined in subdivision (e) of Section 41202, for the 1998–99 fiscal year.

SEC. 4. The amount of five hundred thousand dollars (\$500,000) is hereby appropriated from the General Fund to the State Department of Education for state operations, in augmentation of Item 6110-001-0001 of the Budget Act of 1998, for the purpose of implementing Article 22.5 (commencing with Section 8482) of Chapter 2 of Part 6 of the Education Code. It is intended that this amount support permanent positions and necessary temporary staff, overtime, and operating expenses. This funding shall not be available for expenditure until the Department of Finance has first approved an expenditure and implementation plan.

SEC. 5. This act shall become operative only if both Assembly Bill 2284 and Senate Bill 1756 of the 1997–98 Regular Session are chaptered.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order that the After School Learning and Safe Neighborhoods Partnerships Program may take effect at the earliest possible time, it is necessary that this act take effect immediately.



Approved _____, 1998

Governor

